



STAFF REPORT

3/18/2020

TO: Planning Commission Chair and Commissioners

FROM: Juan Carrillo, Associate Planner

SUBJECT: Conditional Use Permit No. 317 to allow the construction of a new 50-foot high wireless communication facility designed as a mono-palm to be erected on an 800 square foot leased space within the Jackson Square Commercial Center located at the southeast corner of Jackson Street and Avenue 48. The proposed project includes a waiver request for the location, design, and/or other requirements and restrictions set forth in Section 17.86.090 of the Coachella Municipal Code. (APN 612-220-033). Verizon Wireless, Applicant.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve Conditional Use Permit No. 317 to allow a new mono-palm wireless tower in the rear portion of the Jackson Square center, subject to the findings and Conditions of Approval contained in this Staff Report, including a waiver request.

EXECUTIVE SUMMARY:

This item was continued from the February 5, 2020 Planning Commission hearing due to the commission's concerns with Electromagnetic Field exposure and full site future development. Since then the applicant has provided answers to the commissions concerns.

The applicant, Verizon Wireless, is requesting the approval of Conditional Use Permit



No. 317 for the installation, operation, and maintenance of a wireless communications facility within Jackson Square, located at the southeast corner of Jackson Street and Avenue 48 (APN#612-220-033). The proposed facility will consist of a 50 foot high Mono-Palm (mono-pole designed to look like a palm tree) within a 40' x 20' leased space and a 240 square foot equipment shelter.

The facility will be un-staffed but will transmit continuously. The project requires the approval of Conditional Use Permit No. 317, pursuant to Sections 17.86 and 17.74 of the Coachella Municipal Code. The proposed project also includes a waiver request for the proposed location as well as the proposed height of the Mono-Palm. The aerial above shows the proposed location within Jackson Square.

DISCUSSION/ANALYSIS:

Environmental Setting:

The subject site is located at southeast portion of Jackson Square next to Taqueria Guerrero. Land uses adjacent to the proposed facility include the following:

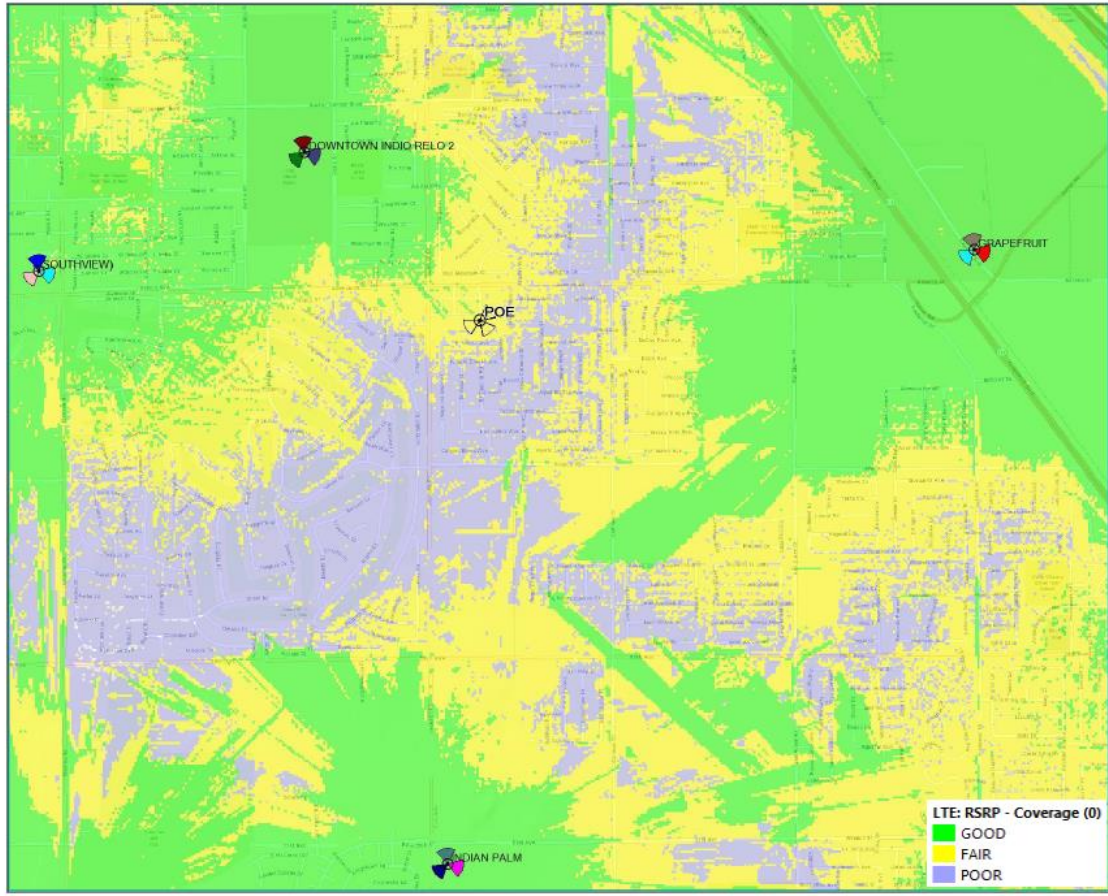
- North: Existing single family residential uses across Avenue 48 within the City of Indio
- South: Residential Single Family (R-S), residential neighborhood
- East: Residential Single Family (R-S), residential neighborhood
- West: Existing single family residential uses across Jackson St. within the City of Indio.



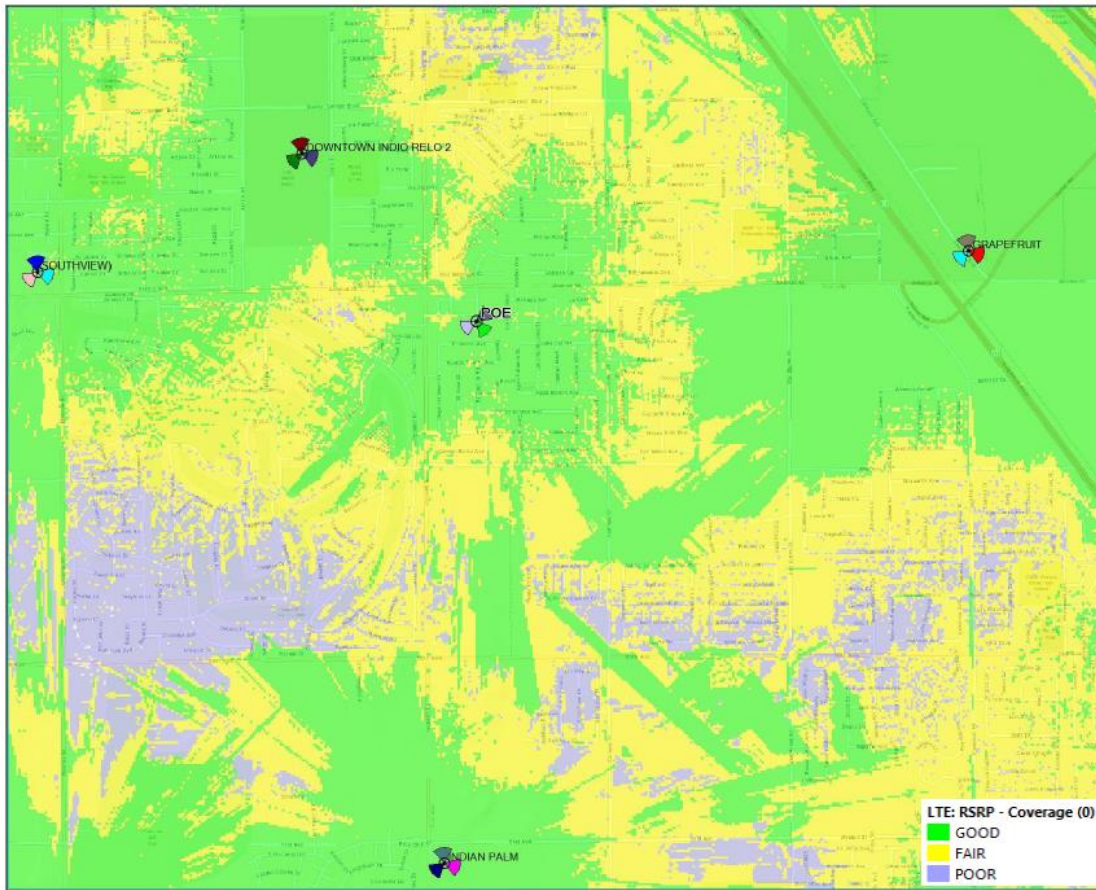
Proposed mono-palm location with proposed mono-palm rendering

One of the questions at the February 5, 2020 meeting was why the proposed location, the propagation maps below depict the proposed site without the proposed telecommunication facility and with the placement of the cell antennas at the proposed location;

Verizon Coverage without Poe



Verizon Coverage with Poe



A question regarding the public health implications of Electromagnetic Exposure, RF EME, was also raised at the Commission meeting of February 5, 2020. The applicant has provided the requested independent study and below is the summary of the report. The entire report is also attached to this Staff Report.

As expected the RF EME levels are well below the astringent requirements under the FCC laws. Here is the conclusion portion of the report:

For a person anywhere at ground, the maximum RF exposure level due to the proposed Verizon operation by itself, including the contribution of the microwave antennas, is calculated to be 0.10 mW/cm², which is 12% of the applicable public exposure limit. The maximum calculated cumulative level at ground, for the simultaneous operation of both carriers, is 13% of the public exposure limit. The maximum calculated cumulative level at the top-floor elevation of any nearby two-story building is 8.9% of the public limit. The maximum calculated cumulative level at the second-floor elevation of any nearby residence† is 9.7% of the public exposure limit. It should be noted that these results include several “worst-case” assumptions and therefore are expected to overstate actual power density levels.

Consistency with Zoning Code:

The proposed project site for CUP 317 is designated as C-G (General Commercial) as referenced on the Zoning Map. The existing commercial center was developed in 2005 and it contains a grocery store, two drive-thru restaurants, a bank, a coffee shop with a drive thru and other retail spaces. Telecommunication facilities are permitted pursuant to approval of a Conditional Use Permit application. Section 17.86.010 outlines the requirements for placement, design, and screening criteria to regulate wireless communication facilities to protect the public health, safety, general welfare, and quality of life in the City. Additionally, Section 17.86.090, Waiver Request, would allow for the proposed location should the Planning Commission grant the waiver request.

Telecommunication facilities are permitted pursuant to approval of a Conditional Use Permit application. Section 17.86.010 outlines the requirements for placement, design, and screening criteria to regulate wireless communication facilities to protect the public health, safety, general welfare, and quality of life in the City. The proposed cell tower does not exceed the allowable 50 foot height regulations of the C-G zone; however a conditional use permit must be pursued and approved for the proposed telecommunication facility. With the imposition of the recommended conditions of approval, the proposed project is generally consistent with the intent and purpose of the “General Commercial” (C-G) zone as articulated in Section 17.26 of the C.M.C.

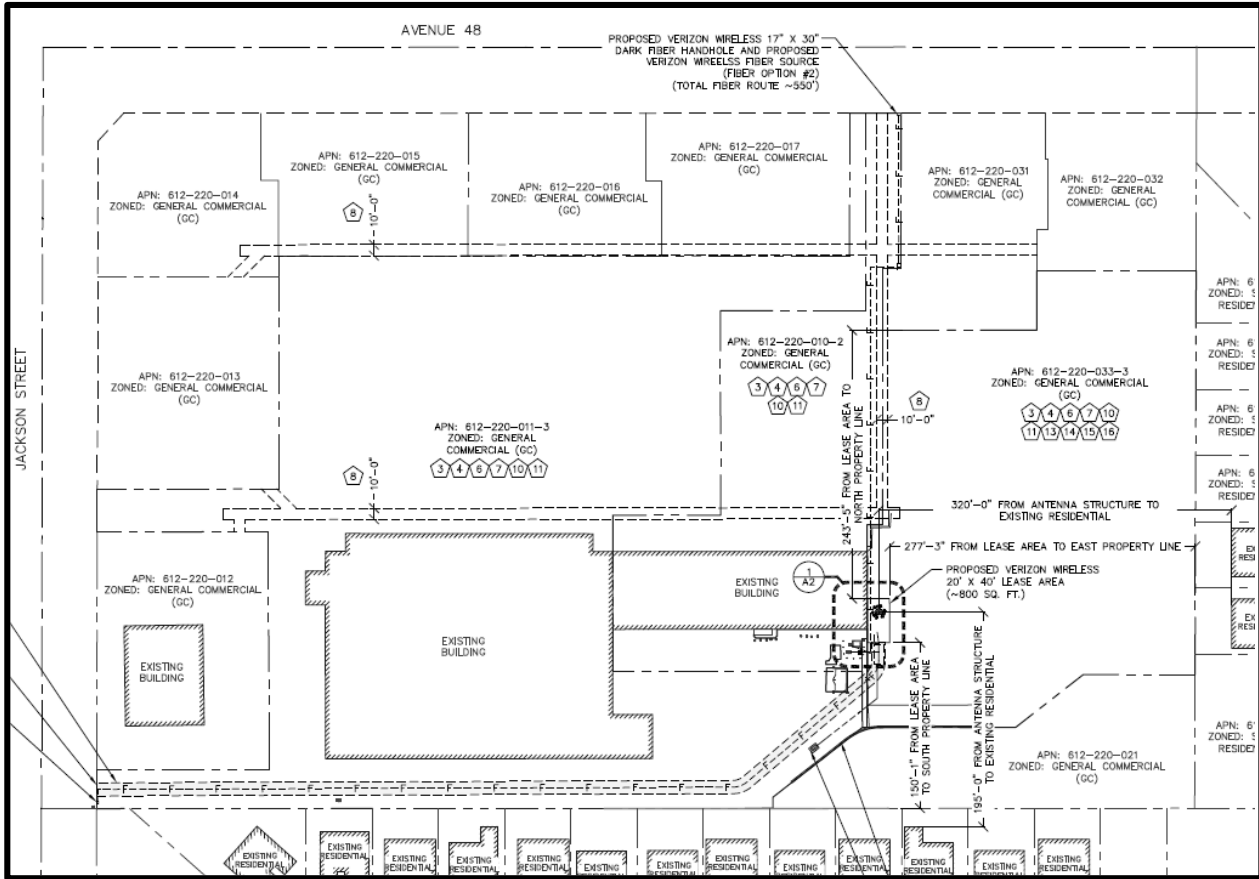
Comments Received:

Comments were received from responsible agencies during the review period between October 8, 2019 and October 29, 2019 as follows:

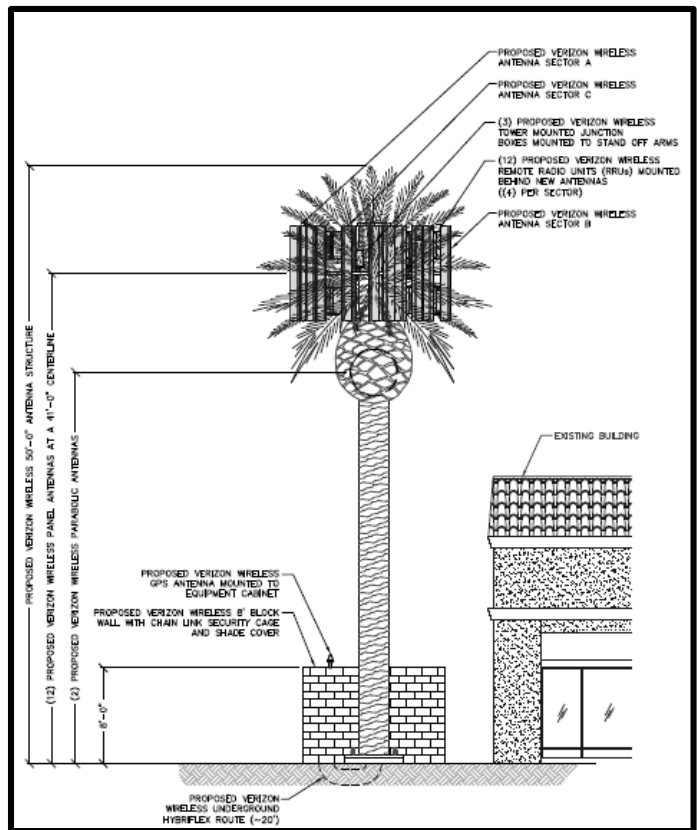
- The Coachella Valley Water District has indicated that the project shall not interfere with any existing CVWD easements.
- Riverside County Fire Department requests owner/ operator identification information be placed on the proposed enclosure and that emergency access be available at the gate.

Site Utilization:

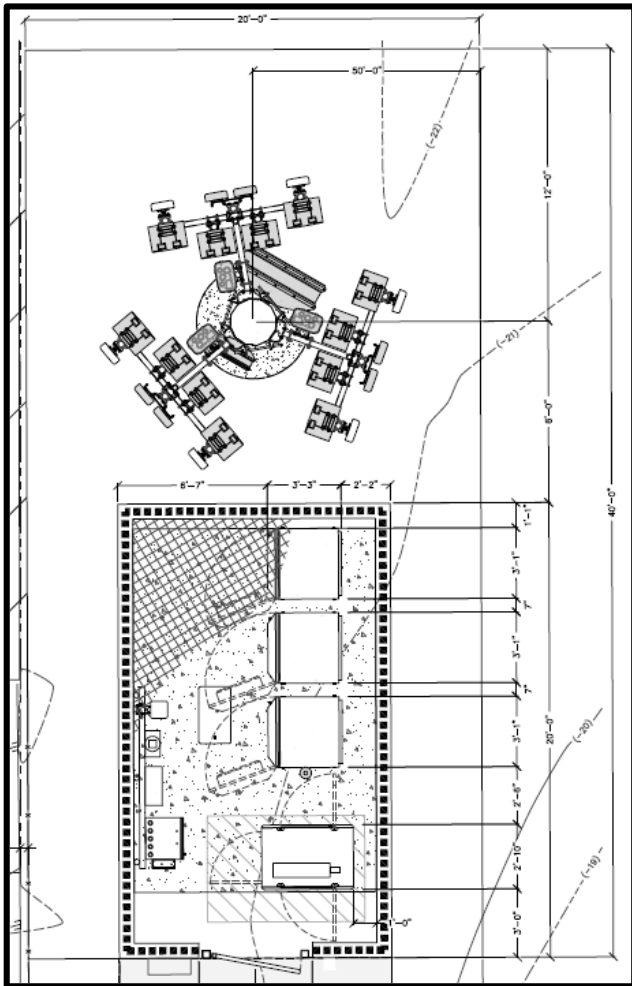
The proposed telecommunications facility will be erected within a leased area consisting of 800 square feet directly adjacent to Taqueria Guerrero and approximately 150 feet from the existing residential uses to the south and residential uses 300 feet to the east. The telecommunications facility includes the installation of a 50’ foot high Mono-Palm tower and a 40’ x 20’ lease space and a 240 square foot equipment shelter on private property. The installation of the proposed equipment shelter and Mono-Palm is proposed at a location that will not interfere with any future commercial construction as it was approved by the Planning Commission on December 10, 2004 under Architectural Review 04-22 and CUP 201. The equipment shelter includes the construction of an 8’ foot high masonry wall around all four sides of the equipment cabinets. The next pictures show the site design, height, and antenna placement and the picture below the location of the proposed enclosure;



Proposed location within shopping center shown above.



Proposed mono-palm elevation shown to the right.



800 sf leased space shown above.

ENVIRONMENTAL REVIEW:

City of Coachella has determined that the proposed project is exempt from environmental review under Section 15332 of the California Environmental Quality Act (CEQA) Guidelines. This exemption applies to projects characterized as in-fill development meeting the following conditions; (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; (e) The site can be adequately served by all required utilities and public services. The project satisfies the above criteria and as such, no environmental review is required

GENERAL PLAN CONSISTENCY:

The project site is designated as “Neighborhood Center” by the General Plan Update 2035. Infrastructure and utility facilities are allowed in all land use categories throughout the City. The proposed project will improve existing communication infrastructure. The project is consistent with the Goals and Objectives identified in the General Plan Infrastructure and Public Services Element, because Goal No. 6 promotes easy access to quality internet services, modern telecommunication services, and reliable energy throughout the City. Additionally, wireless communications facilities have special exemptions under Federal regulations which restrict the City’s ability to use a discretionary action in the denial of a facility. The precise placement of the tower cannot be denied solely based on zoning and aesthetic concerns, provided the applicant can show that there is a need for expanded communications coverage in the immediate vicinity of the site and the applicant can seek a waiver from the City’s zoning regulations.

ALTERNATIVES:

1. Approve Conditional Use Permit 317, subject to the findings and conditions of the staff report,
2. Continue Conditional Use Permit 317 and provide staff and the applicant with direction,
3. Deny Conditional Use Permit 317 with findings.

RECOMMENDED ALTERNATIVE(S):

Staff recommends alternative #1.

Attachments: Findings and Conditions of Approval for CUP #317
Vicinity Map
Site Plan
Architectural Elevations
Photo Simulations
Propagation Maps
RF EMF Report
Verizon letter from property owner addressing future development of the site.

Recommended Findings for No. CUP 317 :

1. The proposed use will not be in conflict with, but will be in harmony with and in accordance with the objectives of the General Plan in that the project is generally consistent with the goals, policies and implementing actions of the Coachella General Plan. The proposed project increases existing communication infrastructure to expand service to wireless customers in the vicinity. This project is consistent with the Goals and Objectives identified in the General Plan Infrastructure and Public Services Element, because Goal No. 6 promotes easy access to quality internet services, modern telecommunication services, and reliable energy throughout the City. Additionally, Infrastructure and utility facilities are allowed in all land use categories throughout the City.
2. The proposed use will be located, designed, constructed, operated, and maintained so as to be compatible with the existing or intended character of the general vicinity and shall not change the essential character of the same area because the proposed design of a Mono-Palm will blend in with mature palm trees at the commercial center. Additionally, the proposed project is in conformance with the City of Coachella Zoning Ordinance as specified in Section 17.86 of the Zoning Code.
3. Consideration is to be given to harmony in scale, bulk, coverage and density, to the availability of public facilities and utilities, to harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development because there is no new construction or modification to the already existing infrastructure and no additional points of access to the commercial center or addition or deletion of existing commercial centering stalls is proposed. Access to the telecommunication facility will be minimal as it is an un-manned facility. Additionally, the proposed project is required to comply with the standard conditions of approval applicable to this Conditional Use Permit request.
4. City of Coachella has determined that the proposed project is exempt from environmental review under Section 15332 of the California Environmental Quality Act (CEQA) Guidelines. This exemption applies to projects characterized as in-fill development meeting the following conditions; (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; (e) The site can be adequately served by all required utilities and public services. The project satisfies the above criteria and as such, no environmental review is required.

Recommended Conditions of Approval for CUP No. 317:

1. Conditional Use Permit No. 317 is approved for one year from the effective date unless an extension of time is requested by the applicant and granted by the Planning Commission. A building permit for each CUP and diligent pursuit of construction shall vest this conditional use permit.
2. Two Date Palm trees of a minimum 20 to 30 foot brown trunk height shall be planted adjacent to the proposed Mono-Palm wireless tower. The location of the Date Palm trees may be outside of the leased area.
3. The construction shall be in conformance with the plans submitted and conditions imposed herein for Conditional Use Permit No. 317. This shall include the materials and colors as shown on the approved plans. The cell tower shall consist of a stealth “Mono-Palm” structure with a maximum height of 50 feet, excluding synthetic palm fronds attached to the structure. The pole structure shall be designed and painted to mimic a tree trunk.
4. The applicant, or subsequent owners, shall bear all cost associated with relocation or removal of any of the telecommunication facilities hereby approved.
5. The applicant shall obtain encroachment permits from the Engineering Department, Engineering inspections shall be required during the installation and final stage.
6. The applicant shall defend, indemnify and hold harmless the City and its officers, agents and employees from any claim, action, or proceedings against the City or its officers, agents or employees to attack, set aside, void or annul any approval under this chapter. The applicant shall further defend, indemnify and hold harmless the City, its officers, agents and employees from any damages, liabilities, claims, suits, or causes of action of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the applicant, its agents, employees, licensees, contractors, subcontractors or independent contractors, pursuant to the approval issues by the City.
7. The construction shall be in conformance with the plans submitted and conditions imposed herein for these applications. This shall include the materials and colors as shown on the approved plans.
8. Improvements plans prepared by a California Registered Civil Engineer shall be submitted for Engineering plan check prior to issuance of permits. Plans shall clearly indicate existing and proposed facilities and identify/avoid conflicts. The applicant is directed to contact Building City staff to obtain existing improvement plans for utilities within the right-of way.

9. The applicant shall complete all utility clearances with the Coachella Valley Water District.
10. The applicant shall pay all necessary plan check, permit and inspection fees. Fees will be determined when plans are submitted to the City Engineering Department for plan check.
11. All proposed easement documents shall be prepared by a registered land surveyor or civil engineer authorized to practice land surveying and mapping and shall be submitted for engineering plan check and shall be recorded with the County prior to Issuance of permits.
12. The project shall conform to the City of Coachella Municipal Code.
13. The electrical service and all other utilities to the project shall be installed underground in accordance with the General Plan.^[RL1]
14. All existing and future wireless facilities shall meet all applicable FCC emissions and exposure standards for electromagnetic (EM) radiation, and all required notices and signs shall be posted on site as required by the FCC and PUC.
15. If the proposed a wireless communication facility site is capable of accommodating a collocated facility upon the same site, the owner or operator of the existing facility shall allow another carrier to co-locate its facilities and equipment thereon, provided the parties can mutually agree upon reasonable terms and conditions. All co-located facilities upon the site shall be architecturally coordinated and “stealthed” consistent with each other.
16. The applicant shall, within ninety (90) days after commencing wireless communication facility operations and annually thereafter, submit a written report to the City prepared by a qualified engineer, certifying that the facility continues to comply with all applicable federal, state and local regulations.
17. Prior to the issuance of a grading, construction or building permit, the applicant shall obtain all applicable permits and/or clearances from the following agencies as required:
 - City of Coachella Fire Department
 - City of Coachella Planning Department
 - City of Coachella Public Works Department
 - City of Coachella Building Department
 - Coachella Valley Unified School District (CVUSD)
 - Coachella Water Authority
 - Imperial Irrigation District
 - California Water Quality Control Board (CWQCB)
 - South Coast Air Quality Management District Coachella Valley (SCAQMD)

- Public Utilities Commission (PUC)
- Federal Communication Commission (FCC)
- Federal Aviation Agency (FAA)

The applicant is responsible for all requirements of the permits or clearances from the above listed agencies and departments. If the requirements include approval of improvement plans, the applicant shall furnish proof of said approvals prior to City approval.

18. The applicant shall bear the cost, of all measurements, sampling and testing procedures not included in the City's inspection program, but which may be required by the City, as evidence that the construction materials and methods employed comply with the plans, specifications and other applicable regulations.
19. All grading shall conform to the recommendation contained in the Preliminary Soils Report, and shall be certified as being adequate by a soils engineer, or by an engineering geologist.
20. The applicant shall furnish security, in a form acceptable to the requirements of Chapter 15.40 of the City of Coachella Municipal Code, and in an amount sufficient to guarantee compliance with the approved Storm Water Pollution Protection Plan (SWPPP), Fugitive Dust Control Plan and the provisions as submitted with its application for a grading permit.
23. The applicant shall pay the City's established fees for plan checking and construction inspection. Fee amounts shall be those in effect when the applicant makes application for plan checking and permits.
24. Permits issued under this approval shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of issuance of building permit(s).
25. The applicant shall submit a concrete mix design for approval of the City's Building Official. The applicant shall not schedule construction operation until mix design is approved.
26. The applicant shall employ, or retain, qualified engineers, surveyors, and such other appropriate professionals as are required to provide the expertise with which to prepare and sign accurate record drawings, and to provide adequate construction supervision.
27. Improvement plans shall be prepared by or under the direct supervision of qualified engineers and/or architects, as appropriate, and shall comply with the provisions of the California Building Code and applicable State of California Business and Professions Code.
28. In the event the applicant fails to construct the improvements for the development, or fails to satisfy its obligations for the development in a timely manner, the City shall have the right to

halt issuance of all permits, and/or final inspections, withhold other approvals related to the development of the project, or call upon the surety to complete the improvements.

29. Upon completion of construction, the applicant shall furnish the City with reproducible record drawings of all improvement plans which were approved by the City. Each sheet shall be clearly marked "Record Drawing," "As-Built" or "As Constructed" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy and completeness of the drawings. The applicant shall have all approved mylars previously submitted to the City, revised to reflect the as-built conditions. The applicant shall have all approved mylars previously submitted to the City, revised to reflect the as-built conditions. However, if subsequent approved revisions have been approved by the City Engineer and reflect said "As-Built" conditions, the Engineer of Record may submit a letter attesting to said fact to the City Engineer in lieu of mylar submittal.

Maintenance

30. All facilities, including antennae, mounts, wires, conduit, lighting, fences, shields, cabinets, poles and ancillary equipment, shall be maintained by the owner or operator in good repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as practicable so as to maintain the facility's original appearance and to minimize occurrences of dangerous conditions or visual blight, All trash, debris, litter and graffiti shall be removed by owner/operator within forty-eight (48) hours following notification from the City.
31. The owner or operator of the facility shall routinely and regularly inspect the site to ensure compliance with the standards set forth in this chapter. Further, the Planning Director, or designee, may, upon providing reasonable advance notice to the owner or operator, conduct an inspection of a facility to verify compliance with the provisions of this chapter.
32. Contact information for the owner or operator, in case of an emergency, fire, or report of any damage, destruction, or vandalism, must be posted in a conspicuous location on the outside of the wireless facility. The materials used must be of weather resistant composition.

Abandonment and Removal

33. Where the owner or operator intends to abandon the wireless communication facility or portion thereof, the owner or operator shall notify the City by certified U.S. mail of the proposed date of abandonment or discontinuation of operations and the date the facility shall be removed. The notice shall be given not less than sixty (60) days prior to abandonment. Failure to give notice shall not affect the owner's or operator's obligation to remove an abandoned facility.
34. Upon abandonment, revocation, or other lawful order of any federal, state or local agency to terminate facility operations, the owner or operator shall physically remove the facility or terminated/abandoned elements within thirty (30) days following the date of abandonment or termination of use. "physically remove" shall include, but not be limited to:

- A. Removal of antennae, mounts, equipment cabinets and security barriers from the subject site;
 - B. Transportation of the antennae, mounts, equipment cabinets and security barriers to an appropriate repository;
 - C. Restoring the site to its natural condition except for retaining the landscaping improvements and any other improvements at the discretion of the Planning Director.
35. The Planning Director may stay the requirement to remove an abandoned/terminated wireless communication facility upon written request and evidence submitted by the owner or operator that another wireless provider is in reasonable negotiations to acquire and use the wireless communication facility.
36. If an owner/operator of an abandoned wireless communication facility fails to physically remove the facility and all related equipment within the time frames set forth herein, the City may do so at the owner/operators expense.
37. The owner/operator shall submit a lighting plan during plan check for the installation of lighting around the equipment enclosure, including the area between the enclosure and the restroom structure